

Metropolitan Tabernacle Church v. City of Chattanooga

Complaint Exhibit 5:

Mayor's Executive Order 2020-06



City of Chattanooga

Mayor Andy Berke

**CIVIL EMERGENCY PROCLAMATION AND EXECUTIVE ORDER
REGARDING SHELTER AT HOME
BY MAYOR ANDY BERKE FOR THE CITY OF CHATTANOOGA
No. 2020-06**

WHEREAS, Coronavirus Disease 2019 (“COVID-19”) is a communicable respiratory disease that can lead to serious illness or death, particularly in the case of elderly adults and persons with serious chronic medical conditions; and

WHEREAS, on January 21, 2020, following the guidance of Centers for Disease Control and Prevention, the Tennessee Department of Health designated COVID-19 as a reportable disease in Tennessee; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a global pandemic; and

WHEREAS, on March 12, 2020, the Governor for the State of Tennessee first issued an Executive Order to facilitate the treatment and containment of COVID-19, pursuant to Tennessee Code Annotated § 58-2-107(e)(1); and

WHEREAS, on March 13, 2020, the President of the United States declared a national state of emergency in response to the COVID-19 pandemic; and

WHEREAS, on March 19, 2020, I initially declared a state of emergency for the City of Chattanooga, pursuant to Tennessee Code Annotated § 38-9-101 et seq. and § 58-2-101 et seq. and City of Chattanooga Charter, Article 2.1 in response to the COVID-19 pandemic; and

WHEREAS, pursuant to the authority invested in the Mayor under Tennessee Code Annotated § 38-9-101, et seq. and 58-8-104 and 58-2-110 (3) and City of Chattanooga Code § 20-41, et seq., the Mayor may proclaim in writing the existence of a civil emergency, as defined therein; and

WHEREAS, on March 20, 2020, pursuant to the authority invested in the Mayor under Tennessee Code Annotated § 38-9-101, et seq. and City of Chattanooga Charter, Article 2.1, and City of Chattanooga Code §§ 20-41, et seq., I issued Civil Emergency Proclamation and Executive Order No. 2020-03 (“Executive Order No. 2020-03”) closing restaurants and bars for on-site consumption as well as closing gyms and exercise facilities. I also issued Executive Order No. 2020-04 closing additional businesses, including indoor portions of retail shopping malls and facilities where certain personal care services are performed; and I issued Executive Order No. 2020-05 regarding temporary off-premises beer sales and deliveries and closing City Hall, City Development Resource building, and Annex Business offices to the public on March 27, 2020; and

WHEREAS, as of April 1, 2020, the Hamilton County Health Department has reported 50 confirmed cases of COVID-19 in Hamilton County and that community transmission may be occurring; and

WHEREAS, as of April 1, 2020, there were at least 2,239 positive COVID-19 tests and 23 deaths from COVID-19 reported in the state of Tennessee; and

WHEREAS, more than 2,000 physicians in this state have signed an online petition asking the Governor to consider a mandatory shelter-in-place order to save lives by stopping the spread of the virus and reducing the strain on hospital systems and COVID-19 continues to present a severe danger to public health.

NOW, THEREFORE, I, ANDY BERKE, MAYOR OF THE CITY OF CHATTANOOGA, by virtue of the powers vested in me, do hereby proclaim that a local public health civil emergency continues to exist in the City of Chattanooga, Tennessee and I hereby direct and order the following:

1. Shelter at Home. All individuals currently living within the City are ordered to shelter at their place of residence unless otherwise exempted as outlined in this Order. For purposes of this Order, residences include hotels, motels, shared rental units, and similar facilities. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably possible maintain social distancing of at least six feet from any other person when they are outside their residence. All persons may leave their residences **only for Essential Activities, Essential Governmental Functions, or to operate Essential Services Businesses as defined in paragraph 6 of this Order**. Individuals experiencing homelessness are exempt from this section, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable for homeless individuals (and to use COVID-19 risk mitigation practices in their operation). Individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their home and stay at a safe alternative location.
2. Travel Restrictions. All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, within the City **except Essential Travel and Essential Activities as defined in this Order, is prohibited. People may use public transit only for purposes of performing Essential Activities or to travel to and from work to operate Essential Services Businesses or maintain Essential Governmental Functions.** People riding on public transit must comply with Social Distancing Requirements as defined in this Order, to the greatest extent feasible. **This Order allows travel into or out of the City to perform Essential Activities, operate Essential Services Businesses, or maintain Essential Governmental Functions.**
3. Mass Gatherings Prohibited. All public and private gatherings of more than ten people occurring outside a single household or living unit are prohibited, except for the limited purposes as expressly permitted by this Order. Nothing in this Order prohibits the gathering of members of a household or living unit.
4. Closure of Non-Essential Services Businesses. All businesses with a facility in the City which do not perform Essential Services are required to cease all activities at facilities located within the City except Minimum Basic Operations, as defined in this Order. To the greatest extent feasible, all Essential Activities and Essential Services business operations shall comply with Social Distancing Requirements as defined in this Order, by maintaining six-foot social distancing for both employees and members of the public, including, but not limited to, when any customers are standing in line. All Essential Services businesses are requested and urged to comply with CDC guidelines on employee temperature recording two times daily and sending any employees home who maintain a temperature range outside CDC recommended guidelines until such time as such employees have returned to a normal temperature range for at least fourteen (14) days. The closure of non-essential services

businesses in violation of this Order shall be monitored and enforced by the Police Department, Land Development Office and Fire Marshal's office as of the effective date of this Order.

5. Essential Activities. For purposes of this Order, individuals may leave their residence only to perform any of the following "Essential Activities."

- i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home.
- ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others.
- iii. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Order, such as, by way of example and without limitation, walking, and hiking, dog walking, or running; provided, however, that congregating or playing on playgrounds presents a unique risk for the spread of COVID-19 and is therefore not covered as an Essential Activity.
- iv. To care for a family member or pet in another household.
- v. To engage in any listed Essential Activities set out in Executive Order No. 22 by Governor Lee dated March 30, 2020.

All people at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the greatest extent possible except as necessary to seek medical care.

6. Essential Services Businesses. For the purposes of this Order, "Essential Services" Businesses" means all Essential Services referenced in Attachment A to Governor Lee's Executive Order No. 22 dated March 30, 2020, except as otherwise stated in this section and including :

- i. Personnel identified on pages 5-15 of the Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response issued by the Cybersecurity and Infrastructure Security Agency (CISA) of the United States Department of Homeland Security, available at: https://www.cisa.gov/sites/default/files/publications/CISA_Guidance_on_the_Essential_Critical_Infrastructure_Workforce_Version_2.0_Updated.pdf
- ii. **Health Care and Public Health Operations.** This includes, but is not limited to: hospitals; clinics; medical practices and services; mental health and substance abuse services; dental offices; pharmacies; public health entities, including those that compile, model, analyze, and communicate public health information; pharmaceutical, pharmacy, medical device and equipment, and biotechnology companies (including operations, research and development, manufacture, and supply chain components); organizations collecting blood, platelets, plasma, and other necessary materials; obstetricians and gynecologists; eye care centers, including those that sell glasses and contact lenses; home health care services

providers; mental health and substance use providers; other health care facilities and suppliers; providers of any related and/or ancillary health care services; entities that transport and dispose of medical materials and remains; manufacturers, technicians, logistics, and warehouse operators, and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood, platelets, and plasma products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products; veterinary care and all health care services provided to animals. This also includes any medical or administrative personnel necessary to operate those functions in this paragraph. Health Care and Public Health Operations shall be construed broadly to avoid any impacts to the delivery of health care, broadly defined. Health Care and Public Health Operations does not include any procedures that would violate Governor Lee's Executive Order No. 18, which remains in effect;

iii. **Human Services Operations.** This includes, but is not limited to: government or government-funded human services to the public through state-operated, institutional, or community-based settings; long-term care facilities; day care centers, day care homes, or group day care homes; residential settings and shelters for adults, seniors, children, or people with developmental disabilities, intellectual disabilities, substance use disorders, or mental illness; transitional facilities; home-based settings to provide services to individuals with physical, intellectual, or developmental disabilities, seniors, adults, or children; field offices that provide and help to determine eligibility for basic needs including food, cash assistance, medical coverage, child care, vocational services, rehabilitation services; developmental centers; adoption agencies; businesses that provide food, shelter, social services, and other necessities of life for economically disadvantaged individuals, individuals with physical, intellectual, and/or developmental disabilities, or individuals otherwise in need. Human Services Operations shall be construed broadly to avoid any impacts to the delivery of human services, broadly defined;

iv. **Essential Infrastructure Operations.** This includes, but is not limited to: food production, distribution, and sale; construction-related services, including, but not limited to, construction required in response to this public health emergency, hospital construction, construction of long-term care facilities, public works construction, school construction, construction related to Essential Activity or Essential services, and housing construction; building management and maintenance; landscape management; airport operations; operation and maintenance of utilities, including water, sewer, and gas; electrical services, including power generation, distribution, and production of raw materials; distribution centers; oil and biofuel refining; services related to roads, highways, railroads, ports, and public transportation; cybersecurity operations; flood control; solid waste and recycling collection, removal, and processing; and internet, video, and telecommunications systems and services, including the provision of essential global, national, and local infrastructure for computing services, business

infrastructure, communications, and web-based services. Essential Infrastructure Operations shall be construed broadly to avoid any impacts to essential infrastructure, broadly defined;

- v. **Essential Government Functions.** This includes, but is not limited to: first responders, emergency management personnel, emergency dispatchers, and those supporting 911 and emergency services; legislators and legislative branch officials and employees, as determined by the Legislative Branch; judges, judicial branch employees, court personnel, jurors, and grand jurors, as determined by the Judicial Branch; law enforcement personnel; corrections and community supervision personnel; hazardous materials responders; election officials and operations; child protection and child welfare personnel; housing and shelter personnel; park personnel that provide admission, maintenance, and operation of park facilities that provide outdoor recreation; military; and other governmental employees working for or to support Essential Activity or Essential Services. Essential Government Functions also means all services provided by the State, the political subdivisions of the State, and boards, commissions, or agencies of government needed to ensure the continuing operation of the government agencies or to provide for or support the health, safety, and welfare of the public. Essential Government Functions also includes contractors performing or supporting such functions. Each branch of government and government entity shall determine its Essential Government Functions and ensure a plan is in place for the performance of these functions. This paragraph does not apply to the United States government; provided, however, that any employee, official, or contractor of the United States government shall not be restricted from performing their functions under law;
- vi. **Food and Medicine Stores.** This includes, but is not limited to: stores that sell groceries and medicine; grocery stores; pharmacies; certified farmers' markets; farm and produce stands; supermarkets; convenience stores; and other establishments engaged in the retail sale of groceries, canned food, dry goods, frozen foods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, prepared food, alcoholic and non-alcoholic beverages, and any other household consumer products (such as cleaning and personal care products); and the supply chain and administrative support operations for Food and Medicine Stores. Food and Medicine Stores also includes stores that sell groceries or medicine, including medication not requiring a medical prescription, and also that sell other non-grocery products and products necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activity, and Essential Services;
- vii. **Food and Beverage Production and Agriculture.** This includes, but is not limited to: food and beverage manufacturing, production, processing, and cultivation, including farming, livestock, fishing, baking, and other agricultural production, including cultivation, marketing, production, and distribution of

animals and goods for consumption; and businesses that provide food, shelter, and other necessities of life for animals, including animal shelters, rescues, shelters, kennels, and adoption facilities;

- viii. **Organizations that Provide Charitable and Social Services.** This includes, but is not limited to: businesses and religious and secular nonprofit organizations, including food banks, when providing food, shelter, social services, and other necessities of life for economically disadvantaged or individuals otherwise in need, individuals who need assistance as a result of this emergency, or persons with disabilities;
- ix. **Religious and Ceremonial Functions.** This includes, but is not limited to: religious facilities, entities, groups, personnel, services, rites, and gatherings, including weddings and funerals, provided that the Health Guidelines set forth in Governor Lee's Executive Order No. 22 are followed to the greatest extent practicable;
- x. **Media.** This includes, but is not limited to: newspapers, books, television, radio, publishing, and other media services and related supply chain operations;
- xi. **Gas Stations and Businesses Needed for Transportation.** This includes, but is not limited to: gas stations, travel centers, and truck stops; automotive suppliers, manufacturers, repair services, and related facilities; roadside assistance operations; farm and construction equipment related services; boat repair services; bicycle shops; and related facilities;
- xii. **Financial Institutions and Insurance Entities.** This includes, but is not limited to: banks, currency exchanges, consumer lenders, including but not limited to payday lenders, pawnbrokers, consumer installment lenders, sales finance lenders, credit unions, appraisers, title companies, financial markets, trading and futures exchanges, affiliates of financial institutions, entities that issue bonds, related financial institutions, institutions selling financial products, insurance companies, underwriters, insurance agents, insurance brokers, and related insurance claims and agency services;
- xiii. **Hardware and Supply Stores.** This includes, but is not limited to: Hardware stores and businesses that sell electrical, plumbing, and heating materials;
- xiv. **Critical Trades.** This includes, but is not limited to: building and construction tradesmen and tradeswomen and other trades, including, but not limited to, plumbers, electricians, exterminators and pest control, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HVAC, painting, moving and relocation services, and other manufacturing, distribution, retail or service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential

Activity, and Essential Services, including electronic security and life safety services to assist with fire prevention and response, security, and emergency management and response;

- xv. **Mail, Post, Shipping, Logistics, Delivery, and Pick-up Services.** This includes, but is not limited to: post offices and other businesses that provide shipping and delivery services and businesses that ship or deliver groceries, food, alcoholic or non-alcoholic beverages, goods, vehicles, or services to end users or through commercial channels;
- xvi. **Educational Institutions.** This includes, but is not limited to: public and private pre K schools, K-12 schools, colleges, and universities for purposes of facilitating distance learning, providing food or shelter, performing critical research, or performing essential functions, provided that the Health Guidelines set forth in Governor Lee's Executive Order No. 22 are followed to the greatest extent practicable. **Schools providing food services to students or members of the public shall provide the food on a carry-out basis only and shall not permit the food to be eaten at the site where it is provided, consistent with Governor Lee's Executive Order Nos. 17 and 21;**
- xvii. **Laundry Services.** This includes, but is not limited to: laundromats, dry cleaners, industrial laundry services, and laundry service providers;
- xviii. **Restaurants for Off-Premises Consumption.** This includes, but is not limited to: restaurants, bars, or other similar food or drink establishments that prepare and serve food, **but only for consumption off-premises, consistent with Governor Lee's Executive Order Nos. 17 and 21. Entities providing food services to members of the public shall provide the food on a carry-out basis only and shall not permit the food to be eaten at the site where it is provided or at any other gathering site.** This paragraph is consistent with and does not supersede Governor Lee's Executive Order Nos. 17 and 21;
- xix. **Supplies to Work from Home.** This includes, but is not limited to: businesses that sell, manufacture, or supply products necessary for persons to work from home or engage in distance learning;
- xx. **Supplies for Essential Businesses and Operations.** This includes, but is not limited to: businesses that sell, manufacture, or supply other Essential Services with the support or materials necessary to operate, including computers; audio and video electronics; household appliances; IT and telecommunication equipment; hardware; paint; flat; electrical, plumbing, and heating material; sanitary equipment; personal hygiene products; food and food additives, ingredients, and components; medical and orthopedic equipment; optics and photography equipment; diagnostics, food, and beverages, chemicals, soaps, and detergent; and firearm and ammunition suppliers and retailers for purposes of safety and

security;

- xxi. **Transportation.** This includes, but is not limited to: airlines, taxis, transportation network providers (such as Uber and Lyft), vehicle rental services, paratransit, marinas, docks, boat storage, and other private, public, and commercial transportation and logistics providers necessary for Essential Activity or Essential Services under Governor Lee's Executive Order No. 22;
- xxii. **Home-based Care and Services.** This includes, but is not limited to: home-based care for adults, seniors, children, or persons with developmental disabilities, intellectual disabilities, substance use disorders, or mental illness; and caregivers, including nannies, who may travel to a home to provide care or other in-home services, including meal delivery;
- xxiii. **Residential Facilities and Shelters.** This includes, but is not limited to: Residential facilities and shelters for adults, seniors, children, pets, or persons with developmental disabilities, intellectual disabilities, substance use disorders, or mental illness; **Childcare and daycare facilities, providing services to Essential Services Businesses personnel and workers at Essential Services businesses exempted in this Order shall continue to operate and work as permitted.** Those Daycare and childcare facilities must use Social Distancing and COVID-19 risk mitigation practices in their operations; **all other Licensed, certified, and registered child care programs, other than those providing services to Essential Services employees exempted in this Order shall cease operations at the close of business on Friday, April 10, 2020 until further Order of the Mayor.**
- xxiv. **Professional Services.** This includes, but is not limited to: legal services, accounting services, insurance services, or real estate services (including appraisal and title services);
- xxv. **Manufacturing, Distribution and Supply Chain for Critical Products and Industries.** This includes, but is not limited to: manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for industries such as pharmaceutical, technology, biotechnology, health care, chemicals, sanitization, waste pickup and disposal, agriculture and agricultural products, food and beverage, household consumer products, transportation, energy, steel and steel products, petroleum and fuel, mining, construction, defense and national defense, and communications, as well as products used by or component parts of other Essential Services;
- xxvi. **Hotels and Motels.** This includes, but is not limited to: hotels, motels, lodges, dormitories, and short-term rentals, **to the extent used for lodging and delivery or carry out food and beverage services only;**
- xxvii. **Funeral Services.** This includes, but is not limited to: funeral, mortuary,

cremation, burial, cemetery, and related services; all services shall only be attended by close family or less than 10 people per venue pursuant to Governor Lee's Executive Orders No. 17 and 22.

- xxviii. Any business related to Essential Activity, as defined in Governor Lee's Executive Order No. 22, **shall not include** any City outdoor recreation area, park, site, or trail that provides opportunities for outdoor recreation while maintaining adherence to the Health Guidelines; **during the temporary closure and suspension of access to all city-owned public spaces authorized under Section 15 of this Order.**
- xix. Any other business or organization that operates at all times with ten (10) or fewer persons accessing the premises of the business or organization at a time, including employees, customers, and other visitors; provided, that the premises allows for operation within the Health Guidelines and that such Health Guidelines are followed at all times; or
- xxx. The minimum necessary activities required to maintain any business or organization, whether otherwise essential or not, including:
 - a. Maintaining the value of the business's or organization's inventory;
 - b. Preserving the condition of the business's or organization's physical plant and equipment, livestock, or other assets;
 - c. Ensuring the security of the business or organization;
 - d. Processing the business's or organization's mail, payroll, and employee benefits;
 - e. Facilitating employees of the business or organization being able to continue to work remotely from their residences; or
 - f. Conducting any functions related to these activities.

The City Fire Marshall and City Land Development employees shall be responsible to enforce occupancy limits in Essential Businesses and/or closures of Non-Essential Services Businesses which remain in operation after close of business on Friday, April 3, 2020 until further orders by the Mayor.

- 7. Non-Essential Services Businesses. Any business previously closed by a prior Executive Order from the Governor of Tennessee or this administration shall remain closed under the terms of this Order. For the purposes of this Order, any other "Non-Essential Services Businesses" shall be required to close operations during the pendency of this emergency order effective close of business on Friday, April 3, 2020 and shall remain closed until further Order of the Mayor and/or Governor:
 - i. All Restaurants and Bars will continue to follow Governor Lee's Executive Order No 17.
 - ii. Food and Medicine Stores and Hardware and Supply Stores as defined in Governor Lee's Executive Order No. 22 whose brick-and-mortar premises

remain open to the public shall abide by social distancing practices to the extent practicable while providing services. These include all reasonable efforts to keep customers six feet apart and frequent use of sanitizing products on common surfaces.

- iii. Restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, are permitted to operate their normal business hours, **but are limited to offering only food delivery and/or take-out services as set forth in Governor Lee's Executive Orders 17 and 21.** The on-premises consumption of alcohol and food is prohibited.
- iv. All recreational and entertainment businesses, including but not limited to the following list, **must close to the public as long as this order remains in effect:**
 - a. Gyms and fitness centers and classes in accordance with Governor Lee's Executive Order Nos. 17 and 21.
 - b. Entertainment centers, including but not limited to, movie theaters, country clubs, performing arts centers, concert venues, and nightclubs.
 - c. All indoor portions of retail shopping malls. All entrances and exits to the common area portions of retail shopping malls must remain closed.
 - d. All Facilities where personal care services are performed that, by their very nature, result in noncompliance with social distancing guidelines, including but not limited to cosmetology shops; barber shops; beauty salons; spas, at which solely elective and cosmetic medical procedures are performed, massage parlors, tanning salons, tattoo parlors, including all close-contact personal services and entertainment and recreational gathering facilities included in Governor Lee's Executive Orders Nos. 17 and 21.
- v. This Order does not prohibit an employee, contractor, vendor, or supplier of subject establishments from entering, exiting, using, or occupying that establishment in their professional capacity.
- vi. All Funerals, Celebrations of Life, Cremation Services, and Memorial Services shall only be attended by close family or less than 10 people per venue in accordance with Governor Lee's Executive Orders No. 17 and 22.
- vii. The Chattanooga Police Department is authorized to enforce and close any of those businesses not in compliance of Governor Lee's Executive Order No. 17, No. 21, No. 22 or this Order.
- viii. Nothing in this Order shall be construed to limit, prohibit, or restrict in any way the provision of health care or medical services to members of the public.
- ix. Nothing in this Order shall be construed to limit, prohibit, or restrict in any way

access to essential services for low-income residents, including but not limited to food banks.

- x. Nothing in this Order shall be construed to limit, prohibit, or restrict in any way the operations of newspapers, television, radio, and other media services.
- xi. Nothing in this Order shall be construed to limit, prohibit, or restrict in any way the operations of law enforcement agencies.
- xii. Nothing in this Order shall be construed to limit, prohibit, or restrict in any way the operations of manufacturing or critical infrastructure sectors as defined by Department of Homeland Security.
- xiii. Child Care facilities, providing services to Essential Services Businesses personnel and workers at Essential Services businesses exempted in this Order shall continue to operate and work as permitted. Those child care facilities must use all health and safety guidance provided by the Tennessee Department of Human Services, Social Distancing when possible and COVID-19 risk mitigation practices in their operations; **all other** Licensed, certified, and registered child care programs **not serving Essential Services personnel and workers at Essential Services Businesses shall cease business operations at the close of business on Friday, April 3, 2020, until further notice.** This includes all Child Care Centers and Family Child Care Homes in the City. **Only Child Care Programs serving Essential Personnel and workers at Essential Services Businesses as described in Section 6 shall be permitted to remain open until further Order by the Mayor.**
- xiv. **Non-essential Services Businesses shall also specifically include the following list of businesses that must close or remain closed based on this local declaration of emergency by the Mayor until further notice:**
 - Personal appearance businesses (hair salons, eyelash salons, barber shop, tattoo shop, body piercing shop, day spas)
 - Vaping supply stores (unless providing delivery and curbside pickup only)
 - Beauty supply stores (unless providing delivery or curbside pickup only)
 - Car washing businesses
 - Retail with no exclusive delivery or curb-side pick-up
 - Entertainment and recreation facilities (bowling alleys, trampoline parks)
 - Indoor rock climbing
 - Craft/Art Business
 - Gyms, including yoga, barre and spin facilities
 - Concert venues
 - Theaters
 - Movie theaters

- Shopping malls
- Golf courses
- Sporting event venues
- Skating rink
- Dance Schools
- Private Clubs (except for the provision of food for take-out)

14.) Any other business that the Mayor determines is not essential for the safety and public health of the City while this local public health emergency continues may be added to Non-Essential Business by future Order. If you believe a Non-Essential Business is not complying with the Order, please report it to 311. Include the name and location of the business and the specific nature of the violation.

8. Essential Travel. For the purposes of this Order, "Essential Travel" includes travel for any of the following purposes:

- i. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Services Businesses, or Minimum Basic Operations.
- ii. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
- iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
- iv. Travel to return to a place of residence from outside the jurisdiction.
- v. Travel required by law enforcement or court order.
- vi. Travel required for non-residents to return to their place of residence outside the City. Individuals are strongly encouraged to verify that their transportation out of the City remains available and functional prior to commencing such travel.

9. Healthcare Operations. For purposes of this Order, individuals may leave their residence to work for or obtain services at any "Healthcare Operations" including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, medical supply companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, *companies and institutions involved in the research and development, manufacture, distribution, warehousing, and supplying of pharmaceuticals, clinical laboratories, biotechnology therapies, consumer health products, and medical devices, diagnostics, equipment, services and any other healthcare related supplies or services.* or any related and/or ancillary healthcare services. "Healthcare Operations" also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. "Healthcare Operations" does not include fitness and exercise gyms and similar facilities.

10. Essential Infrastructure. For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of "Essential Infrastructure," including, but not limited to, public works construction, construction of housing (in particular affordable housing or housing for individuals experiencing homelessness), airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, grass mowing, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined this Order, to the extent possible.
11. Essential Governmental Functions. For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, law enforcement personnel, and legal or judicial personnel for any local, state and federal agencies located within City limits are categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing Essential Governmental Functions. "Essential Governmental Functions" means all services needed to ensure the continuing operation of the government agencies and provide for the health, safety and welfare of the public as determined by the Mayor of the City of Chattanooga, even if not explicitly described herein. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined this Order, to the extent possible.
12. Minimum Basic Operations. For the purposes of this Order, "Minimum Basic Operations" include the following, provided that employees comply with Social Distancing Requirements as defined this Order, to the extent possible, while carrying out such operations:
 - i. The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions.
 - ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
13. Social Distancing Requirements. All businesses and activities, including those that are designated as Essential under this Order, are required to practice Social Distancing. For purposes of this order Social Distancing Requirements refers to the CDC issued guidelines for COVID-19 prevention measures, which includes: screening of employees for symptoms; maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.
14. For the purposes of this Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function it performs, or its corporate or entity structure.
15. **This Order further provides for the Temporary closure and Suspension of access to all city-owned public spaces**, including Miller Park, Walnut Street Bridge, Stringer's Ridge, and all city owned public parks which are included in the Attached Master List of City Parks as Attachment A. To enforce the terms of this Order City employees may block ingress/egress (like close both ends of Walnut Street Bridge) to prevent access which may be in violation of the CDC Social Distancing

requirements. Any City public spaces which shall remain open shall be designated by signage and shall be subject to the social distancing rules in this Order.

16. This Order does not apply to employees of the City of Chattanooga. Employees of the City shall follow all current and future directives and orders issued by the Mayor of Chattanooga that are specifically directed at them.
17. The Chattanooga Police Department, Land Development Office, and Fire Marshal is authorized to enforce and close those businesses within the City of Chattanooga in violation of this Order.
18. A determination that any provision of this Order is invalid will not affect the enforceability of any other provision of this Order. The remaining provisions shall remain in full force and effect. Any invalid provision will be modified to the extent necessary for enforceability.
19. This Order shall will be effective at 12:01 AM on Saturday, April 4, 2020, and shall remain in effect until withdrawn or extended pursuant to Tennessee law.
20. PURSUANT TO TENN. CODE ANN. § 58-2-110 (3) the duration of this Executive Order is limited to seven (7) days initially and may be extended, as necessary, in additional seven-day increments. It is the intent of this Order to extend all prior Executive Orders issued since March 13, 2020 as Executive Orders 2020-01, 2020-02, 2020-03; 2020-04; 2020-05 for all additional periods which are authorized under Tennessee law within the City of Chattanooga. To the extent that this Order conflicts with any prior Orders this Order shall control. Any businesses previously closed by a prior executive order from the Governor of Tennessee or this administration shall remain closed under the terms of this Order.

Issued this 2nd day of April 2020, pursuant to Tenn. Code Ann. §§ 38-9-101, et seq. and 58-8-104 and 58-2-110 (3) by the Mayor of the City of Chattanooga, Tennessee.



ANDY BERKE, MAYOR OF THE CITY OF CHATTANOOGA

ATTACHMENT A – CITY PARKS

Location	Address
Avondale Park	1305 Dodson Avenue
Batter's Place Tennis Courts	8000 Batters Place Road
Belvoir Park	25 Kenwood Circle
Belvoir Place Park	114 Tuxedo Circle
Benham Williams Park	405 Williams Drive
Blue Goose Hollow	876 W 9th Ave
Boulevard Park	4701 Divine Avenue
Brainerd Golf Course	5303 Old Mission Road
Brainerd Park and Recreation Center	1010 N Moore Road
Brown Acres Golf Course	406 Brown Road
Caruthers Park	3300 Brannon Avenue
Carver Park	600 N Orchard Knob Avenue
Champions Club	1096 Lupton Drive
Chew Chew Canine Park/Chattown Skatepark	1785 Reggie White Boulevard
Church Street Park	3813 Church Street
Churchville Mini Park	1901 E 3rd Street
Clifton Hills Park	2801 Clifton Terrace
Coolidge Park	150 River Street
DeLong Park	3315 DeLong Street
DuPont Ball Fields	4499 North Access Road
DuPont Park	4500 North Access Road
East Chattanooga Park	2409 Dodson Avenue
East Lake Park	3000 East 34th Street
East Lake Recreation Center Park	3610 Dodds Avenue
Eastdale Park	1312 Moss Drive
Frederick Park	916 W 38th Street
Fort Negley Park	1704 Mitchell Avenue

Frances B Wyatt Park	406 Colville Street
Glenwood Park	2610 East Third Street
Greenway Farm Park	5051 Gann Store Road
Harris Johnson Park	41 West 28th Street
Jack Benson Heritage Park	1428 Jenkins Road
Hill City Park	18 Trehwitt Street
Hixson Community Center/Park	5401 School Drive
Hixson YA Ballfields	5410 School Drive
Inspiration Park	2408 Duncan Avenue
Jefferson Street Park	1800 Jefferson Street
John A Patten Park	3202 Kelly's Ferry Road
Lake Hills Park	4395 Bellview Avenue
Lakeside Park	4800 Swann Road
Lookout Valley / Warren Park	370 Warren Place
Main Terrain Art Park	450 West 13th Street
Memorial Auditorium Mini Park	397 McCallie Avenue
Miller Park	928 Market Street
Milliken Park	100 West 45th Street
Montague Park	1151 East 23rd Street
Mountain Creek Park	1102 Mountain Creek Road
Murray Hills Park	4125 Melinda Drive
North Chattanooga Park	406 May Street
North River Soccer Complex	4500 North Access Road
Overlook Park	1 South Crest Road
Park City Park	2606 Cannon Avenue
Park Place Park / Ted Bryant	1003 East 10th Street
Patten Parkway	12 Patten Parkway
Perkins Park	860 Vine Street
Phillips Park	700 Georiga Avenue
Piney Woods	5217 Tanner Avenue

Portland Park	1005 Suck Creek Road / 999 Signal Mountain Rd
Pringle Park	2613 Long Street
Renaissance Park	100 Manufacturers Road
Ridgedale Safewalk	1304 Buckley Street
Rivermont Park	1096 Lupton Drive
Riverside Park	1004 Crutchfield Street
Riverview Bird Sanctuary	1621 Riverview Road
Riverview Park	1000 Barton Avenue
Ross' Landing	100 Riverfront Parkway
Roy Nelms Park	1609 W 41st Street
Shepherd Park	2124 Shepherd Road
South Chattanooga Park	1151 West 40th Street
Southside Community Park	3506 Central Ave
St. Elmo Park	4909 St Elmo Avenue
Stringers Ridge	707 W Bell Ave, 1312 Spears Ave
Summit of Softball Complex	4900 La Collina Way
Sylvan Park	700 Franklin Street
Tacoa Park	5205 Tacoa Circle
Tatum Park	1609 Union Avenue
Tennessee Aquarium Plaza	1 Broad Street
The Passage - Riverfront	1 Broad Street
The Sinks Disc Golf Course	4500 North Access Road
Tyner / East Brainerd Park	6900 Ty-Hi Drive
Urban Art Garden	11 N Seminole Drive
Walnut Street Bridge	1 Walnut St
Warner Park	1254 East 3rd Street
Washington Hills Park	4620 Oakwood Drive
Watkins Street Park	2411 East 12th Street
Sheila M Jennings Westside Park	1211 Grove Street
Whiteside Park	756 E Martin Luther King Boulevard

Enterprise South Trails	190 Still Hollow Loop
Hawthorne Trailhead	4001 N Hawthorne Street
North Chickamauga Creek Greenway	
South Chickamauga Creek Greenway & Levee	
Shallowford Road Trailhead	
Brainerd Road Trailhead	
Sterchi Farm Trailhead	3000 Harrison Pike
Stringer's Ridge & All Trailheads	Spears Ave
Tennessee Riverwalk Greenway (Downtown)	
Walnut Street Bridge	1 Walnut St
Blue Goose Hollow Trailhead	876 W 9th Ave
Wheland Trailhead	1599 Middle Street
Chestnut Street Trailhead	